

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DAVID MARIO DUNCAN;	)	
Plaintiff,	)	Civil Action No. 07 - 1127
	)	
v.	)	District Judge Nora Barry Fischer
	)	
KEVIN MCCAUSLAND, Parole Officer;	)	
and GLEN HOGE, District Supervisor,	)	
Defendants	)	

**MEMORANDUM ORDER**

The above captioned case was initiated by the filing of a Complaint (doc. no. 1) on August 17, 2007, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Magistrate Judge Lisa Pupo Lenihan filed a Report and Recommendation on November 5, 2008 (doc. no. 19), recommending that the Complaint be dismissed for failure to prosecute. Plaintiff was served with the Report and Recommendation and advised that he had until November 24, 2008 to file objections to the Report and Recommendation. No objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

**AND NOW**, this 1st day of December, 2008;

**IT IS HEREBY ORDERED** that the Complaint is **DISMISSED** for failure to prosecute.

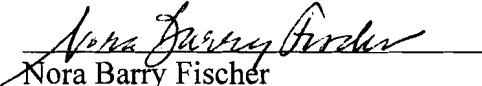
**IT IS FURTHER ORDERED** that the Report and Recommendation (doc. no. 19) of Magistrate Judge Lenihan dated November 5, 2008, is **ADOPTED** as the Opinion of the Court.

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**IT IS FURTHER ORDERED** that the Clerk of Court mark this case **CLOSED**.

**AND IT IS FURTHER ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

  
Nora Barry Fischer  
United States District Judge

cc: Lisa Pupo Lenihan  
United States Magistrate Judge

DAVID MARIO DUNCAN  
18 5th Avenue  
Ford City, PA 16226